

201703055

Andreas Sargent

On April 13, 2017, PO Sargent and his partner were the first officers to arrive at a NYCHA building after a stabbing. There was no description of the person who had committed the stabbing. The officers entered the building and found a man in the stairwell. According to the man, the officers pointed their guns, put him against the wall, and frisked him before telling him there had been a stabbing. He described both officers, including describing a skin condition of PO Sargent's hands. According to PO Sargent's partner, the officers encountered the man in the stairwell and asked him if he had seen or heard anything, but did not search him and let him pass by after he said he had not.

PO Sargent himself stated that he did not enter the building but simply stood outside while his partner conducted a patrol, but the man had provided a particularly detailed description of PO Sargent, including accurately describing a skin condition.

The CCRB found that the officers had improperly stopped the man at gunpoint and that there was evidence that PO Sargent had made a false official statement when he stated he did not enter the stairwell.

The NYPD only punished PO Sargent for failing to complete a memo book entry for the incident. On a letter from the Brooklyn District Attorney, the CCRB finding of False official statement is disclosed with no underlying information.

Subsequently, the NYPD substantiated allegations and issued instructions against PO Sargent for incomplete, inaccurate, or discrepant reporting in three separate incidents in March 2018 and May 2018.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201703055	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/13/2017 8:20 PM	Location of Incident: [REDACTED]	Precinct: 67	18 Mo. SOL 10/13/2018	EO SOL 10/13/2018	
Date/Time CV Reported Thu, 04/13/2017 9:18 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/20/2017 11:03 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Andreas Sargent	24928	§ 87(2)(b)	067 PCT
2. POM Christophe McDonald	23355	§ 87(2)(b)	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Andreas Sargent	Abuse of Authority: PO Andreas Sargent stopped § 87(2)(b) [REDACTED].	A . § 87(2)(g) [REDACTED]
B . POM Christophe McDonald	Abuse of Authority: PO Christopher McDonald stopped § 87(2)(b) [REDACTED].	B . § 87(2)(g) [REDACTED]
C . POM Andreas Sargent	Force: PO Andreas Sargent pointed his gun at § 87(2)(b) [REDACTED].	C . § 87(2)(g) [REDACTED]
D . POM Christophe McDonald	Abuse of Authority: PO Christopher McDonald searched § 87(2)(b) [REDACTED].	D . § 87(2)(g) [REDACTED]
E . POM Christophe McDonald	Abuse of Authority: PO Christopher McDonald threatened to arrest § 87(2)(b) [REDACTED].	E . § 87(2)(g) [REDACTED]
F . POM Christophe McDonald	Abuse of Authority: PO Christopher McDonald refused to provide his shield number to § 87(2)(b) [REDACTED].	F . § 87(2)(g) [REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
K . POM Andreas Sargent	Other: There is evidence suggesting PO Andreas Sargent provided a false official statement in violation of Patrol Guide Procedure 203-08.	K . § 87(2)(g) [REDACTED]

Case Summary

On April 13, 2017, § 87(2)(b) filed this complaint with IAB by phone, generating log number 17-13391. The case was received at the CCRB on April 20, 2017.

On April 13, 2017, at approximately 8:20 p.m., § 87(2)(b) left his apartment, which is located at § 87(2)(b) in Brooklyn. He walked down a stairwell to the § 87(2)(b), where he was stopped by PO Andreas Sargent and PO Christopher McDonald, both of the 67th Precinct (**Allegations A and B**). PO Sargent had his gun pointed at § 87(2)(b) and told § 87(2)(b) to “Freeze” (**Allegation C**). § 87(2)(b) told the officers he was not armed, and then they told him that they were investigating a stabbing that had just occurred in the building. Both officers moved § 87(2)(b) so his back was against a wall, and then PO McDonald searched inside of § 87(2)(b)'s pants pockets (**Allegation D**). PO McDonald told § 87(2)(b) he was free to go, and also told him not to say anything about the stop or he would be arrested (**Allegation E**). § 87(2)(b) told the officers that what they did was not right, and asked PO McDonald for his shield number, which PO McDonald did not provide (**Allegation F**). § 87(2)(b) then continued descending the stairs to leave his building, and the officers continued conducting their vertical patrol. § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation, due to the IAB investigation of § 87(2)(b)'s complaint.
- A notice of claim request was submitted on June 1, 2017. It will be added to the case file upon its receipt (01 Board Review).
- § 87(2)(b)

Civilian and Officer CCRB History

- This is § 87(2)(b)'s first CCRB complaint.
- PO Sargent has been a member of service for ten years. There are no substantiated allegations on his record, § 87(2)(g).
- PO Christopher McDonald has been a member of service for eight years. There are no substantiated allegations on his record § 87(2)(g).

Findings and Recommendations

Explanation of Subject Officer Identification

PO Sargent denied that he ever entered § 87(2)(b) during this incident, and that he ever stopped § 87(2)(b) or had any other interaction with him. Rather, he stated he remained outside of the building setting up a crime scene. He stated he did not know if PO McDonald entered the building to conduct a vertical patrol (03 Board Review).

PO McDonald stated that he and PO Sargent entered the building to conduct a vertical patrol within minutes of arriving at § 87(2)(b) and that they encountered § 87(2)(b) on the fifth floor of the building while conducting the patrol (04 Board Review). PO McDonald and PO Sargent were the first two officers to arrive at this location after the report of the stabbing, and no other officers had arrived at the time that they conducted this vertical patrol.

§ 87(2)(b) described the first subject officer as a 6'0" tall, muscular black male in his mid-30s, and the second subject officer as a 5'6" tall, average-built black male in his early 30s, with a skin condition that gave him a blotchy skin complexion on his hands (05 Board Review). PO Sargent is a 5'7" tall, 160-pound, § 87(2)(b) old black male, and PO McDonald is a 6'0" tall, 270-pound, § 87(2)(b) old black male. Additionally, according to the IAB callout materials, the ICO assistant of the 67th Precinct, PO Calvo, told Lt. John Orrechia of IAB that PO McDonald is the only officer in the 67th Precinct with the aforementioned skin condition on his hands (06 Board Review).

§ 87(2)(g)

Allegation A: Abuse of Authority – PO Andreas Sargent stopped § 87(2)(b)

Allegation B: Abuse of Authority – PO Christopher McDonald stopped § 87(2)(b)

Allegation C: Force – PO Andreas Sargent pointed his gun at § 87(2)(b)

Allegation D: Abuse of Authority – PO Christopher McDonald searched § 87(2)(b)

Allegation E: Abuse of Authority – PO Christopher McDonald threatened to arrest

§ 87(2)(b)

Allegation F: Abuse of Authority – PO Christopher McDonald refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) alleged that after he descended a flight of stairs to the § 87(2)(b) of his building, PO Sargent and PO McDonald approached him from the stairs leading from the § 87(2)(b). PO Sargent had his gun pointed at § 87(2)(b) and told him to “Freeze.” § 87(2)(b) told the officers he did not have any weapons and asked why PO Sargent was pointing his gun at him. The officers told § 87(2)(b) they were investigating a stabbing in the building, and asked him to come with them. § 87(2)(b) asked why he would go with them if he had not done anything, at which point PO Sargent told PO McDonald that § 87(2)(b) was not cooperating. The officers then grabbed § 87(2)(b) placed him against a wall, and PO McDonald asked § 87(2)(b) if he had anything sharp on him. § 87(2)(b) stated he did not, and PO McDonald then searched inside of his pants pockets. PO McDonald then asked § 87(2)(b) for his name, address, date of birth, and phone number, and § 87(2)(b) provided this information. PO McDonald told § 87(2)(b) not to say anything about the stop or he would be arrested for not cooperating. § 87(2)(b) asked PO McDonald for his shield number, and PO McDonald stated it was “confidential,” and did not provide it. § 87(2)(b) then continued down the stairs to exit his building.

§ 87(2)(g)
§ 87(2)(b) He alleged that one of the officers pointed his gun at § 87(2)(b) when the officers first approached him, and that the other officers proceeded to search his pockets. § 87(2)(b) asked for the officers’ names, and they did not provide them to him. § 87(2)(b) did not allege a threat of arrest in this statement, but did state that one of the officers warned him not to say anything about the officer having his gun drawn earlier (07 Board Review).

PO McDonald stated that he and PO Sargent conducted a vertical patrol of the building within several minutes of arriving at § 87(2)(b). As they reached the § 87(2)(b) floor, they came across § 87(2)(b) who was descending from the § 87(2)(b) floor staircase. PO McDonald asked § 87(2)(b) if he knew anything regarding a gunshot, a fight, or anything of that nature. § 87(2)(b) replied that he had heard screaming on the § 87(2)(b) floor, but he stated he did not know anything else. PO McDonald told § 87(2)(b) to be careful, as someone in the area could have a gun, knife, or other weapon, and that someone had just been killed in front of the building. § 87(2)(b) then continued descending the stairs while the officers continued with their vertical patrol. PO McDonald denied that PO Sargent pointed his gun at § 87(2)(b) or had his gun drawn during the incident. PO McDonald denied that § 87(2)(b) asked § 87(2)(b) anything else, that he searched § 87(2)(b) that he ever threatened to arrest § 87(2)(b) and that § 87(2)(b) asked him for his shield number. PO McDonald also denied that the officers had received a description of the perpetrator of the stabbing, that he made any observations about § 87(2)(b) that made him suspect he was involved in the stabbing, and

that he made any observations about § 87(2)(b) which made him believe he was armed. § 87(2)(b) had a calm demeanor while speaking with the officers, and there were no bulges on his person. There were no factors which caused PO McDonald to suspect § 87(2)(b) of any crimes during this interaction.

While PO Sargent was consistent with his partner that they were the first officers to arrive at § 87(2)(b) during this incident, he denied ever entering the building at that location, as discussed in the officer identification section. He denied conducting a vertical patrol with PO McDonald, and he denied stopping § 87(2)(b). When shown a photograph of § 87(2)(b), PO Sargent stated he did not recognize him. PO Sargent denied pointing his gun at § 87(2)(b), observing PO McDonald search § 87(2)(b), hearing PO McDonald threaten to arrest § 87(2)(b), and hearing § 87(2)(b) ask PO Sargent for his shield number. PO Sargent also denied that the officers received any description or other information in regards to a perpetrator of the stabbing.

The event report for this incident confirms that there was no description or any other information regarding the suspect of the stabbing provided to the officers during this incident. The job came over the radio at 8:13 p.m., and the anti-crime unit (to which PO McDonald and PO Sargent were assigned) arrived at the location at 8:16 p.m. They were the first police unit listed as having arrived at the location (08 Board Review).

§ 87(2)(g)

In order to stop an individual, an officer must have reasonable suspicion that that person has committed or is about to commit a crime. For reasonable suspicion to exist, an officer must have an objective and particularized basis to suspect an individual is involved in criminal activity. Patrol Guide Procedure 212-11 (09 Board Review). Merely observing an individual at a location where a violent crime has recently occurred does not grant an officer reasonable suspicion to detain that person, absent a description of a suspect, or any other factors linking the individual to the crime. People v. Dickerson, 153 A.D.2d 897 (1989) (10 Board Review). In order for an officer to point his gun at an individual, that person must have caused the officer to reasonably fear for his or her safety. PD vs. Gliner, OATH Index No. 955/00 (Sept. 6, 2000) (11 Board Review). In order to search an individual, an officer must have probable cause to arrest that person. Otherwise, the officer must reasonably believe, after having frisked the individual, that

the person is armed. People v. Williams, 217 A.D.2d 1007 (1995) (12 Board Review). An officer must provide his name and shield number when requested by a civilian. Patrol Guide Procedure 203-09 (13 Board Review).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Squad: 13

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date



Eric Gonzalez
District Attorney

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[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: SARGENT, ANDREAS

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE NYPD ENTERED A DISPOSITION OF MINOR PROCEDURAL VIOLATION, DATED 04/26/2017, AGAINST MOS SARGENT:

ALLEGATION(S):

1. MEMOBOOK INCOMPLETE/IMPROPER

CASE STATUS: CLOSED ON 04/21/2017

ACTION TAKEN: LETTER OF INSTRUCTION ISSUED

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 03/05/2018, AGAINST MOS SARGENT:

ALLEGATION(S):

1. REPORT INCOMPLETE/INACCURATE - PROPERTY CLERK INVOICE

2. INVOICE DISCREPANCY - LAB - MARIJUANA

CASE STATUS: CLOSED ON 05/30/2018

ACTION TAKEN: VERBAL INSTRUCTIONS

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 05/09/2018, AGAINST MOS SARGENT:

ALLEGATION(S):

1. REPORT INCOMPLETE/INACCURATE - PROPERTY CLERK INVOICE

2. INVOICE DISCREPANCY - LAB - CONTROLLED SUBSTANCE

CASE STATUS: CLOSED ON 05/19/2018

ACTION TAKEN: VERBAL INSTRUCTIONS

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 08/13/2019, AGAINST MOS SARGENT:
ALLEGATION(S):

1. BODY WORN CAMERA - FAIL TO ACTIVATE

CASE STATUS: CLOSED ON 11/04/2019

ACTION TAKEN: SCHEDULE A COMMAND DISCIPLINE

Disclosure # 5:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
JOEL JOHN	14-CV-5721	E.D.N.Y.	09-30-17	03-16-17	Settlement, without admission of fault or liability
JAMES SHAW	15-CV-5140	E.D.N.Y.	09-03-15	01-13-17	Dismissal by plaintiff pursuant to 41(a)(1)(a)(ii)

IN ADDITION, OUR OFFICE IS AWARE OF THE FOLLOWING CIVIL ACTION(S):

1. SHARIFF HILL V. CITY OF NEW YORK, ET AL, 12-CV-20402, FILED IN KINGS COUNTY SUPREME COURT.
2. HERICK LOUIS V. CITY OF NEW YORK, ET AL, 14-CV-01148, FILED IN U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK.

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 6:

CCRB CASE: 201703055

REPORT DATE: 04/20/2017

INCIDENT DATE: 04/13/2017

CCRB SUBSTANTIATED ALLEGATION(S):

1. FORCE - GUN POINTED
2. ABUSE - STOP

NYPD DISPOSITION: NO DISCIPLINARY ACTION-DUP

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED - FAILURE TO PREPARE A MEMO BOOK ENTRY
2. OTHER MISCONDUCT NOTED - FAILURE TO PRODUCE STOP AND FRISK REPORT
3. OTHER MISCONDUCT NOTED - FALSE OFFICIAL STATEMENT

NYPD DISPOSITION: #1 COMMAND DISCIPLINE – A, #2 NO DISCIPLINARY ACTION-DUP

Eric Gonzalez
District Attorney
Kings County